

HB 2470 -1, -2 STAFF MEASURE SUMMARY

Joint Committee On Addiction and Community Safety Response

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 4/23

WHAT THE MEASURE DOES:

The measure requires the Oregon Health Authority to expand capacity at the Oregon State Hospital to meet the projected needs. The measure requires the Oregon Public Guardian and Conservator to develop and administer a program to provide guardianship services to defendants who are in the aid and assist process. The measure permits the use of jail-based restoration of fitness to proceed. The measure imposes certain requirements on community restoration. And the measure defines "qualifying mental disorder" and expands the kinds of eligible crimes for commitment of a person as an "extremely dangerous person" under ORS 426.701. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 The amendment replaces the measure and adds attempts to commit the kinds of acts that are required to commit someone as an "extremely dangerous person" under ORS 426.701.
- 2 The amendment replaces the measure and permits the use of jail-based restoration of fitness to proceed.

BACKGROUND:

The Oregon Health Authority Behavioral Health Residential + Facility Study, published in 2024, found that, based on their finding that Oregon should have 35.98 inpatient psychiatric beds per 100,000 people, Oregon would have to add 486 inpatient psychiatric beds to meet the need. Currently Oregon has 22.54 beds per 100,000 people. The Oregon Public Guardian and Conservator, among other duties, provides "public guardian and conservator services for persons who do not have relatives or friends willing or able to assume the duties of guardianship or conservatorship and who lack the financial resources to obtain a private guardian or conservator." ORS 125.680. Under current Oregon law, a defendant who lacks fitness to proceed may be committed to a state hospital or other facility or ordered to community restoration to engage in services to restore their fitness, but restoration services are not provided in jails. Under ORS 426.701, an adult may be civilly committed as an "extremely dangerous person" if, because of a qualifying mental disorder that is resistant to treatment, they committed one of several specific acts, including, for example, causing the death of another person or causing serious physical injury to another person by means of a dangerous weapon. The person must also be "extremely dangerous," meaning they are exhibiting the same symptoms of the disorder that preceded the act and because of that disorder present a "serious danger to the safety of other persons by reason of an extreme risk that the person will inflict grave or potentially lethal physical injury on other persons and unless committed, will continue to represent an extreme risk to the safety of other persons in the foreseeable future."